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TO: Presiding Judges of the Superior Courts
Presiding Judges of the Juvenile Courts
Chairs of the Boards of Supervisors
Executive Officers of the Superior Courts
County Administrative Officers
Chief Probation Officers

FROM: Probation Services Task Force
Hon. Patricia Bamattre-Manoukian, Chair
Ms. Audrey Evje, Attorney

DATE: July 16, 2002

**SUBJECT/
PURPOSE OF
MEMO:** Chief Probation Officer Appointment,
Evaluation, Discipline, and Removal
Model

**ACTION
REQUESTED:** Review and Provide Comment on the
Proposed Collaborative Model

DEADLINE: August 16, 2002

**CONTACT FOR
FURTHER
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The Probation Services Task Force requests your comment on the proposed chief probation officer appointment, evaluation, discipline, and removal model described below.

Background

In early 2000, the Judicial Council and the California State Association of Counties (CSAC) mutually concluded that a multidisciplinary task force was necessary to examine probation services generally and existing governance models specifically. Therefore, in August 2000, Chief Justice Ronald M. George appointed an 18-member body composed of court, county, and probation representatives. The creation of the task force was particularly timely following the 1997 Trial Court Funding Act

restructuring, which did not address the preexisting friction between some counties and courts regarding the probation governance structure.

Today, overall management and budgetary responsibility for probation remains with the counties, but in the vast majority of counties, the appointment authority for the chief probation officer resides with the court, now a state-funded entity.

While many examples of counties in which collaborative partnerships between the judicial and executive levels of government exist, some counties have struggled with budgetary, management, and liability issues.

Piecemeal efforts to reconcile these issues have been made through the legislative process by individual counties, by CSAC, or by segments of the probation community. Each of these proposals has been unsatisfactory to at least one of the affected entities.

Most recently, two individual counties sponsored legislation that would have transferred the appointment process in their counties from the courts to the board of supervisors. The bill was unsuccessful primarily because of a desire on the part of the Legislature to allow the Probation Services Task Force to collaboratively develop an appointment, evaluation, discipline, and removal model that would be applicable statewide in non charter counties. While the bill did not pass, legislators expressed strong interest in an expedited resolution of the issue.

In order to balance the competing interests regarding the probation governance structure, the task force developed the proposal presented below as an initial step to address, at least in part, the issues of the appointment and retention of the chief probation officer. While this proposal addresses the immediate, critical need for a chief probation officer appointment, evaluation, discipline, and removal model, future task force recommendations may necessitate subsequent modification of this proposal.

Model

Guided by principles emphasizing collaboration between the courts and counties agreed to during the first phase of its examination,¹ the Probation Services Task Force has developed the following appointment, evaluation, discipline, and termination model. Under this model probation would continue to operate as a county department and the chief probation officer would remain a county officer. Therefore, issues such as salary and discipline processes would continue to follow local county processes.

¹ The draft *Probation Services Task Force Interim Report* is located online at <http://www2.courtinfo.ca.gov/probation/report.htm>.

Appointment

The chief probation officer would be appointed by a committee composed of members representing the local court and county in equal numbers (e.g., 2 court and 2 county representatives or 3 court and 3 county representatives). The local court and county would each have responsibility for selecting its own representatives on the committee. Appointment decisions would require a simple majority of the entire committee.

Evaluation

The court and county would jointly conduct an evaluation of chief probation officer annually.

Removal

The chief probation officer would be removed by a committee composed of members representing the local court and county in equal numbers (e.g., 2 court and 2 county representatives or 3 court and 3 county representatives). The local court and county would each have responsibility for selecting its own representatives on the committee. Removal decisions would require a simple majority of the entire committee.

Liability

The court and county would share liability for hiring, evaluation, discipline, and removal of the chief probation officer.

Comment Process

Comments must be submitted in writing by August 16, 2002. Comments may be submitted via e-mail to probation@jud.ca.gov or mailed to:

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